

REMARKS

I. Status of the Application

Claims 1-10 are pending in this application. In the January 11, 2005 office action, the Examiner:

A. Objected to the drawings because certain elements of Figs. 1, 2 and 4 required descriptive legends;

B. Rejected claims 1 and 5 under 35 U.S.C. §101 as allegedly conflicting with claims 1 and 4 of U.S. Patent Application serial no. 10/685,077 (double patenting);

C. Rejected claims 1-4 and 8 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,027,077 to Yanagisawa et al. (hereinafter "Yanagisawa"); and

D. Rejected claims 5-7, 9 and 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yanagisawa in view of 5,922,939 to Cota et al. (hereinafter "Cota").

In this response, applicants have canceled claims 5-8 and 10, and added new claims 11-18. Applicants have further amended claim 9 to change its dependency from canceled claim 8 to new claim 11. Applicants respectfully traverse the rejections of the claims in view of the foregoing amendments and the following remarks.

II. Proposed Corrections to the Drawings Have Been Submitted

Replacement drawing sheets that include proposed corrections to Figs. 1, 2 and 4 have been submitted. Formal drawing replacements will be provided upon acceptance of the proposed corrections by the Examiner.

III. The Double Patenting Rejection

It appears that the Examiner has rejected claims 1 and 5 for double patenting with respect to claims 1 and 4 of U.S. patent application serial no. 10/685,077. Claims 5-8 and 10 have been canceled from the instant application. It is respectfully submitted that there is no statutory double patenting issue between the two applications, as amended. It is therefore respectfully submitted that the statutory double patenting rejection of claims 1 and 5 is moot and should be withdrawn.

IV. The Anticipation Rejection of Claim 1 is in Error

In the January 10, 2005 office action, the Examiner rejected claim 1 as allegedly being anticipated by Yanagisawa. As will be discussed below in detail, Yanagisawa does not teach, show or suggest each and every element of claim 1. As a consequence, it is respectfully submitted that the anticipation rejection of claim 1 should be withdrawn.

A. The Present Invention

Claim 1 is directed to a method of determining air humidity with a capacitive moisture measuring element. The method includes charging and/or discharging the capacitive moisture

measuring element by way of a first measuring resistor, wherein a first time constant or a first period duration of the charging and/or discharging operation is ascertained. The method also includes charging and/or discharging the moisture measuring element by way of a second measuring resistor, wherein the value of the second measuring resistor is different from the value of the first measuring resistor and wherein a second time constant or a second period duration of the charging and/or discharging operation is ascertained.

B. Yanagisawa

Yanagisawa is directed to a humidity measuring apparatus which measures the humidity level by measuring the change in the resistance of an element. (See col. 2, lines 36-39 and element 101 of Figs. 2, 4 and 6).

C. Yanagisawa Does Not Teach a Capacitive Moisture Measuring Element as Claimed

Yanagisawa fails to teach, show or suggest determining a step of charging and/or discharging a “capacitive moisture measuring element” because Yanagisawa is not directed to a capacitive moisture measuring element. Instead, Yanagisawa is directed to a resistive moisture measuring element. (See *id.*) The only capacitor in Yanagisawa is a “reference” capacitor. (Yanagisawa at Fig. 2 and col. 4). A reference capacitor such as that shown in Yanagisawa does not constitute a moisture measuring element because it appears to be humidity or moisture insensitive.

By contrast, the present invention clearly contemplates a capacitive measuring element that is *not* moisture or humidity insensitive, and indeed is used to sense the humidity changes.

This is illustrated in embodiments such as that described on page 4, lines 3-7.

Yanagisawa therefore fails to teach, disclose or suggest a step of charging and/or discharging a capacitive moisture measuring element as called for in claim 1 because Yanagisawa does not even employ a capacitive moisture measuring element. Yanagisawa therefore fails to teach, disclose or suggest each and every element of claim 1. As a consequence, it is respectfully submitted that the rejection of claim 1 as being anticipated by Yanagisawa is in error and should be withdrawn.

V. Claims 2-4

Claims 2-4 also stand rejected as allegedly being anticipated by Yanagisawa. Claims 2-4 depend from and incorporate all of the limitations of claim 1. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the rejection of claims 2, 3 and 7 over Yanagisawa should be withdrawn.

VI. New Claim 11

New claim 11 is an apparatus claim having similar limitations as claim 8 as originally filed. However, claim 8 was written as an apparatus claim depending on claim 1. New claim 11 is an independent apparatus claim having positively recited elements, and does not depend on claim 1. Nevertheless, claim 11 includes a limitation directed to a capacitive moisture measuring element.

As discussed above in connection with claim 1, Yanagisawa does not teach or suggest such a limitation. Accordingly, for at least the same reasons as those set forth above in

connection with claim 1, it is respectfully submitted that claim 11 is patentable over the prior art.

VII. Claim 9 and 12-14

Claims 9 and 12-14 depend from and incorporate all of the limitations of claim 11. Accordingly, for at least the same reasons as those set forth above in connection with claim 11, it is respectfully submitted that claims 9 and 12-14 are patentable over the prior art.

VIII. New Claims 15-18

New claims 15-18 are directed to methods of determining air humidity with a moisture measuring element. These methods all employ a moisture measuring element having a capacitance value that varies as a function of humidity. Claims 15-18 also include limitations directed toward determining two different time constants or two different time durations, similar to claim 1.

As discussed above in connection with claim 1, Yanagisawa does not teach a capacitive moisture measurement element, and therefore certainly does not teach a moisture measurement element that has a capacitance value that varies as a function of humidity. Accordingly, it is respectfully submitted that new claims 15-18 are allowable over the prior art.

IX. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. C. Moore', with a long horizontal flourish extending to the right.

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